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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/801,845

03/09/2001

Tomoyuki Hamada

500.39831X00

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05/03/2006

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EXAMINER

FISHER, MICHAEL J

ART UNIT

PAPER NUMBER

3629

DATE MAILED: 05/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/801,845

Applicant(s)

HAMADA, TOMOYUKI

Examiner

Michael J. Fisher

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 17 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 15-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over 5,987,474 to Sandifer.

As to claims 15 and 21, Sandifer discloses a support system for a maintenance contract on regulatory equipment (title), including plan setup means (tables in cols 78 and 79), showing various options for plans (such as intervals of repair), which intervals of repair would be "at least one of component part replacement intervals", "check-up intervals" and "clean-up intervals" (under "Compliance Event File Structure"), a data base for maintenance plan computation (which data base would include the maintenance plan), the maintenance plan would meet the needs of the load of the

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airplane (as they are shown to be tied into hours operated, (cols 78-79 under "Compliance Event File Structure"), calculating one of said plurality of plans (inherent in that the plan is used), each set having a different failure occurrence probability (it would be inherent that different plans would have different "failure occurrence probability", whether calculated or not, as differing plans would have different intervals), and selecting means for the customer to select the correct plan (inherent in that the customer selects the plan they use).

Sandifer, does not, however specifically teach using the system for elevators or calculating the load of the elevator.

Sandifer does teach using the system for regulated equipment, (title), which group includes elevators. Further, it is very well known in the art to build elevators according to the expected loads. For instance, a building with high traffic would require a much more powerful elevator than one with very low traffic, it would be economically wasteful to build a large, more powerful elevator in a building with low traffic and it would be dangerous to build a smaller, less powerful elevator in a building with higher traffic. Such loading information would affect the type of elevator and this would affect the maintenance contract as differing elevators would require differing maintenance plans, thereby meeting the limitations as claimed. Further Sandifer discloses checking the hours in flight history of the airplane (col 81, AMIS Electronic Logbook), which would be analogous to a load history for the elevator, thereby meeting the limitations as claimed.

As to claim 27, as Sandifer discloses using a computer (fig 1A), it would inherently be on a machine readable medium.

As to claims 16,22 and 28, it would have been obvious to one of ordinary skill in the art to allow the customer to adjust the plan, such as to change a day of the week for maintenance to coincide with reduced usage of the equipment.

As to claims 17, 23 and 29, it is very well known in the art to use similar structures as bases for predicting information. Therefore, it would have been obvious to one of ordinary skill in the art to look at similar buildings to predict the load for the elevator as similar buildings will have similar statistics and would ease the computation while giving more accurate data.

As to claims 18,24 and 30, it is very well known in the art to take the number of floors and size of the building into account when installing and servicing elevators. For instance, the regulatory and maintenance requirements for elevators in a skyscraper would be far different from those required for a 5 story building.

As to claims 19,25 and 31, it would be obvious to one of ordinary skill in the art to use monthly door open/close times load value as this is indicative of the usage for the elevator and would affect regulatory compliance in form of maintenance.

As to claims 20,26 and 32, Sandifer discloses check up intervals and parts replacement intervals (col 79, AMIS Electronic Logbook).

As to claim 33, Sandifer does not teach using the Internet. It is very well known in the art for computers to be connected to the Internet. Therefore, it would have been obvious to one of ordinary skill in the art to modify the system as disclosed by Sandifer

by connecting it to the Internet to allow users to be able to access the system for disparate locations.

Response to Arguments

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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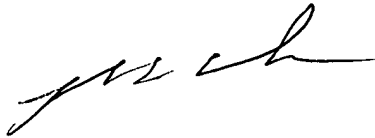
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Fisher whose telephone number is 571-272-6804. The examiner can normally be reached on Mon.-Fri. 7:30am-5:00pm alt Fri. off.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MF

4/28/06


JOHN G. WEISS
SUPERVISOR PATENT EXAMINER
ART UNIT 3600